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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,084	01/08/2001	James H. Waldo	06502.0110-01	6895

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

AILES, BENJAMIN A

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/755,084	Applicant(s) WALDO ET AL.	
	Examiner Benjamin A. Ailes	Art Unit 2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-24 and 26-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-24, 26-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/15/05, 9/26/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the Reply filed 26 September 2005.
2. Claims 8-24 and 26-39 remain pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
5. Claims 8-24 and 26-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pal et al. (U.S. 6,219,675), hereinafter referred to as Pal in view of Hogan et al. (U.S. 5,873,099), hereinafter referred to as Hogan.
6. Regarding claims 8, 22, and 26, Pal discloses a database data processing system comprising having the function to receive an update request (see col. 5, lines

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23-33 and 43-45) and the function of services being unaffected by the update continuing to be available for use while the update occurs (col. 6, lines 40-50). Pal does not explicitly disclose the database data processing system being a lookup service as claimed by the applicant, however, it would have been obvious to one of ordinary skill in the computer networking and database art at the time of the applicant's invention that the claimed invention differed from the teachings of Pal only by a degree. It is well known to one of ordinary skill in the art that the lookup service referred to in the claims is an obvious variation of the database because databases are used for lookup services or for query services. For example, in related art, Hogan discloses a lookup service utilizing a database to manage queries sent to the lookup service (e.g. add, delete, update, commit) (see Abstract and col. 8, lines 49-58). Hogan also teaches the use of products and features that assist users in accessing services (col. 3, lines 21-29). It is for the reasons stated above that one of ordinary skill in the art would have been motivated to modify the lookup service as disclosed by Hogan to utilize the distributed database functions as disclosed by Pal.

7. Regarding claims 9-11 and 27-29, in accordance with claim 8, Pal's teachings are incorporated hereinabove. Hogan taught adding or associating a new service (col. 6, lines 37-44); disassociating or deleting an existing service (col. 6, lines 37-44); modifying the attributes of one of the associated services (col. 66, lines 16-24). The rationale for the motivation used to combine the teachings of Pal and Hogan in claim 8 applies equally as well to claims 9, 10, and 11.

8. Regarding claims 12-21, 23-24, 30-39, Pal discloses a database data processing system comprising having the function to receive a request to be notified when the database is updated, determining when the database is updated, generating a notification when it is determined that the database is updated, receiving the request from a client and notifying the client of the update (col. 5, lines 17-22), notifying a second client of the update, the second client being different than the first client (col. 5, lines 25-33), receiving a reference to a callback routine and invoking the callback routine to perform the notification (col. 5, lines 25-37). As explained in claim 8, Pal does not explicitly disclose the database data processing system being a lookup service as claimed by the applicant, however, it would have been obvious to one of ordinary skill in the computer networking and database art at the time of the applicant's invention that the claimed invention differed from the teachings of Pal only by a degree. The rationale for the motivation used to combine the teachings of Pal and Hogan in claim 8 applies equally as well to claims 12-15. When combining Pal and Hogan it should be recognized that the flexibility and functionality of Pal's notification system would be increased by having the ability to notify the client about added and deleted services by use of Pal's callback functions (see Hogan, col. 47, lines 6-55 and Pal, col. 5, lines 25-37).

Response to Arguments

9. Applicant's arguments filed 26 September 2005 have been fully considered but they are not persuasive. (A) Applicant argues on pages 14-15 of REMARKS that neither Pal et al. nor Hogan et al., nor their combination teach or disclose newly amended

claims 8, 22, and 26. The Examiner disagrees. It is understood by the Examiner the use of a "stub" is defined as "code and data that facilitates access to a remote function" as defined by Applicant's specification. Hogan discloses the use of products and features that assist users in accessing services (col. 3, lines 21-29). The products and features that assist users in accessing services as taught by Hogan are deemed functionally equivalent to the Applicant's "stub."

10. (B) The Applicant argues on pages 16-17 that neither Hogan et al. nor Pal et al. disclose the use of a callback function. The Examiner disagrees. Pal et al.'s callback functions are deemed functionally equivalent to the Applicant's callback functions in regards to the fact that users in Pal et al.'s system can request to be notified when certain events occur, including when processing has occurred on a certain object (col. 5, lines 17-28).

11. (C) The Applicant argues on pages 18-19 that Pal et al. does not teach "notifying a second client of the update, the second client being different than the first client." Examiner disagrees mainly because it is understood that multiple clients can be notified when events occur in Pal et al.'s system. If there are multiple clients, then there has to be a situation where the first client is different from a second client. The "request to be notified" is solved by Pal et al. by having database objects allocated, this being the request to be associated with the objects and therefore receive messages based on these objects.

12. (D) The Applicant points out on page 19 that claims 16, 34, 17, 35, 18, and 36 have not been discussed. However, the Examiner contends that these claims are

obvious variations of callback functions that would be used when combining Pal et al. and Hogan et al. and the rejections have been covered above in paragraph 8 in respect to claims that they depend on.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A. Ailes whose telephone number is (571)272-3899. The examiner can normally be reached on M-F 6:30-4, IFP Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

baa

Beatriz Prieto
BEATRIZ PRIETO
PRIMARY EXAMINER